

Message Text

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ORIGIN AF-18

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R 021948Z AUG 74

FM SECSTATE WASHDC

TO AMCONSUL CAPE TOWN

INFO AMEMBASSY LONDON

AMEMBASSY PRETORIA

USMISSION USUN NEW YORK

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E.O. 11652: GDS

TAGS: PINS, WA

SUBJECT: SWAPO ARRESTS

REF: A. PRETORIA 2733; B. STATE 133907; C. CAPE TOWN 135

FOR EMBASSY CAPE TOWN

1. DEPARTMENT BELIEVES THAT SAG HAS BEEN LESS THAN FULLY RESPONSIVE TO OUR EXPRESSED CONCERNS AND REQUESTS FOR PARTICULARS ON THE SWAPO DETAINEES.

2. WE THEREFORE CONSIDER IT DESIRABLE FOR EMBASSY TO RAISE THE MATTER AGAIN WITH SAG. AS WE UNDERSTAND IT THE AMBASSADOR REQUESTED FOREIGN MINISTER MULLER ON FEB. 22 TO FURNISH US WITH SUCH PARTICULARS AS THE CHARGES OR PLANNED
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CHARGES, LEGAL BASIS FOR DETENTION IN THE MEANTIME,

ACCESS TO COUNSEL, PLACES OF DETENTION AND TRIAL OR OTHER PROCEEDINGS DATES. DESPITE A NUMBER OF ORAL FOLLOW-UPS BY EMBASSY IN APRIL, MAY AND JUNE AND ITS APRIL 9 DIPLOMATIC NOTE, DFA DID NOT OFFICIALLY RESPOND UNTIL JUNE 25. ON THAT DATE DFA INFORMED EMBASSY THAT 15 SWAPO AND SWAPO YOUTH LEAGUE MEMBERS HAD BEEN DETAINED UNDER ARTICLE 6 OF THE TERRORISM ACT. THE 15 DETAINEES WERE IDENTIFIED BY NAME AND THEIR CURRENT STATUS REVEALED. DFA REPORTED THAT POLICE AUTHORITIES HAD DENIED DEFENSE COUNSEL ALLEGATIONS THAT THE TWO RECENTLY TRIED AND CONVICTED DETAINEES,

TAAPOPI AND KASHEA, HAD DEVELOPED MENTAL PROBLEMS AS A RESULT OF THEIR SOLITARY CONFINEMENT. DFA ALSO STATED THEIR UNDERSTANDING THAT NONE OF THE DETAINEES WOULD BE TRIED UNDER THE TERRORISM ACT AND THAT THE 11 SWAPO ADHERENTS STILL IN DETENTION MIGHT BE CHARGED WITHIN TWO WEEKS FOR COMMITTING CRIMINAL ACTS UNDER COMMON LAW.

3. WE NOTE THAT DFA HAS NOT SINCE JUNE 25 RESPONDED FURTHER TO QUESTIONS WE ORIGINALLY POSED ON FEB 22. WE ALSO NOTE THAT DESPITE HIS ASSURANCES TO AMBASSADOR ON MAY 6, JUSTICE MINISTER KRUGER APPARENTLY HAS NOT YET PROVIDED US WITH THE HARD EVIDENCE ON DETAINEES WHICH HE SAID SAG POSSESSES. (PRETORIA 1971)

4. SINCE DFA HAS NOT PROVIDED ADDITIONAL INFORMATION AND SINCE NINE SWAPO ADHERENTS REMAIN IN DETENTION, WE BELIEVE THAT EMBASSY SHOULD SUBMIT ANOTHER NOTE TO DFA. NOTE WOULD REVIEW HISTORY OF OUR EFFORTS TO OBTAIN INFORMATION AND REQUEST PARTICULARS NOT SUPPLIED BY DFA ON JUNE 25. WE SHOULD HIGHLIGHT OUR CONCERN OVER PHYSICAL AND MENTAL WELL-BEING OF DETAINEES AND THEREBY UNDERLINE OUR DESIRE FOR INFORMATION ON PLACES AND CONDITIONS OF DETENTION ESPECIALLY IN VIEW OF REPORTED POOR MENTAL STATE OF TAAPOPI AND OTHER DETAINEES AFTER LONG PERIOD OF SOLITARY CONFINEMENT. WE SHOULD ASK FOR CONFIRMATION OF NEWSPAPER REPORTS THAT MERORO HAS BEEN CHARGED UNDER THE SUPPRESSION OF COMMUNISM ACT (CAPE TOWN 342) IN APPARENT CONTRADICTION OF DFA UNDERSTANDING THAT DETAINEES WOULD BE CHARGED UNDER COMMON LAW. NOTE SHOULD ALSO REITERATE OUR LONG-LIMITED OFFICIAL USE

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STANDING CONCERN OVER THE APPLICATION OF THE TERRORISM ACT TO NAMIBIA AS EVIDENCED BY THE PRESENT INCOMMUNICADO DETENTION OF NINE NAMIBIANS UNDER INHUMANE PROVISIONS OF SECTION 6 OF THAT ACT.

5. WE VIEW NOTE AS BEST MEANS OF POSSIBLY OBTAINING FURTHER INFORMATION ON DETAINEES FROM DFA AND OF UNDERSCORING OUR CONTINUING CONCERN OVER THE MATTER. WE WOULD

WELCOME ANY IDEAS EMBASSY MIGHT HAVE ON HOW BEST TO MAINTAIN MOMENTUM ON THIS ISSUE. KISSINGER

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